

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment to the most recent claims filed on December 8<sup>th</sup>, 2009, was given in a telephone interview with Mr. John Bird on December 18<sup>th</sup>, 2009.

2. The application has been amended as follows:

Claims 1-19 have been canceled..

Claims 20-36 below have been inserted:

20. (New) A sealed container, which comprises  
a container with an end being closed and the other end being open, comprising a thermoplastic resin, and  
a stopper being detachable and capable of sealing the open end of the container, the stopper having a head portion capable of being grasped, a leg portion A extending downward from the head portion, extending along an internal wall surface of the open end of the container, and being capable of exerting a fitting force to the internal wall surface, and a leg portion B being extending downward from the head portion, the leg

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portion B having an external contact surface extending downward from the head portion, and the external contact surface contacts throughout an external wall surface of the open end of the container, and the external contact surface being capable of exerting a fitting force to the external wall surface, and

the external contact surface having a deflection temperature, under a load of 0.45 MPa or 0.46 MPa, which is higher than a deflection temperature, under a load of 0.45 MPa or 0.46 MPa, of at least a portion of the container, which contacts the leg portion A of the stopper;

wherein the leg portion A of the stopper is made of a thermoplastic elastomer or a thermosetting elastomer or the leg portion A has a surface layer comprising thermoplastic elastomer or a thermosetting elastomer at least at a portion contacting the internal wall surface of the container; and,

wherein a position of the fitting force exerted between the leg portion A of the stopper and the internal wall surface of the container being greatest and a position of the fitting force exerted between the external contact surface of the leg portion B of the stopper and the external wall surface of the container being greatest are located at different positions in the longitudinal direction of the container.

21. (New) The sealed container according to claim 20, wherein a distance of the leg portion B of the stopper contacting with the external wall surface of the container is shorter than a distance of the leg portion A of the stopper contacting with the internal wall surface of the container in the longitudinal direction of the container.

22. (New) The sealed container according to claim 20, wherein the leg portion A of the stopper has a surface layer comprising a thermoplastic elastomer or a thermosetting elastomer at least at a portion contacting with the internal wall surface of the container.

23. (New) The sealed container according to claim 20, wherein the stopper has a needle pipe insertable portion comprising a thermoplastic elastomer or a thermosetting elastomer.

25. (New) The sealed container according to claim 21, wherein a position of the fitting force exerted between the leg portion A of the stopper and the internal wall surface of the container being greatest and a position of the fitting force exerted between the leg portion B of the stopper and the external wall surface of the container being greatest are located at different positions in the longitudinal direction of the container.

26. (New) The sealed container according to claim 21, wherein the leg portion A of the stopper has a surface layer comprising a thermoplastic elastomer or a thermosetting elastomer at least at a portion contacting with the internal wall surface of the container.

27. (New) The sealed container according to claim 22, wherein the leg portion A of the stopper has a surface layer comprising a thermoplastic elastomer or a thermosetting elastomer at least at a portion contacting with the internal wall surface of the container.

28. (New) The sealed container according to claim 21, wherein the stopper has a needle pipe insertable portion comprising a thermoplastic elastomer or a thermosetting elastomer.

29. (New) The sealed container according to claim 22, wherein the stopper has a needle pipe insertable portion comprising a thermoplastic elastomer or a thermosetting elastomer.

30. (New) The sealed container according to claim 23, wherein the stopper has a needle pipe insertable portion comprising a thermoplastic elastomer or a thermosetting elastomer.

31. (New) A vacuum specimen-sampling container, comprising the sealed container according to claim 20, the inside thereof being in a reduced atmospheric pressure state.

32. (New) A vacuum specimen-sampling container, comprising the sealed container according to claim 21, the inside thereof being in a reduced atmospheric pressure state.

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33. (New) A vacuum specimen-sampling container, comprising the sealed container according to claim 22, the inside thereof being in a reduced atmospheric pressure state.

34. (New) A vacuum specimen-sampling container, comprising the sealed container according to claim 23, the inside thereof being in a reduced atmospheric pressure state.

35. (New) A vacuum specimen-sampling container, comprising the sealed container according to claim 24, the inside thereof being in a reduced atmospheric pressure state.

36. (New) The sealed container according to claim 20, wherein the deflection temperature, under a load of 0.45 MPa or 0.46 MPa, of the at least the portion of the leg portion B of the stopper, which contacts the container, is 60°C or more, and the deflection temperature, under a load of 0.45 MPa or 0.46 MPa, of the at least the portion of the container, which contacts the leg portion A of the stopper, is 60°C or more.

These changes have been made to place the application in condition for allowance with the independent claim including the allowable subject matter.

## **DETAILED ACTION**

### ***Allowable Subject Matter***

3. Claims 20-36 are allowed.
4. The following is an examiner's statement of reasons for allowance: none of the prior art of record nor the prior art reviewed during the Examiner's search disclosed the following subject matter along with the other limitations of the claim(s): a sealed container wherein the leg portion B having an external contact surface extending downward from the head portion, and the external contact surface contacts throughout an external wall surface of the open end of the container; the external contact surface having a deflection temperature, under a load of 0.45 MPa or 0.46 MPa, which is higher than a deflection temperature, under a load of 0.45 MPa or 0.46 MPa, of at least a portion of the container, which contacts the leg portion A of the stopper; wherein a position of the fitting force exerted between the leg portion A of the stopper and the internal wall surface of the container being greatest and a position of the fitting force exerted between the external contact surface of the leg portion B of the stopper and the external wall surface of the container being greatest are located at different positions in the longitudinal direction of the container. Furthermore, based on the prior art searched, it would not have been obvious to modify or combine existing container and cover structure and their corresponding relationships and functions in order to meet the limitations disclosed by the applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NED A. WALKER whose telephone number is (571)270-3545. The examiner can normally be reached on Monday - Friday 7:30 AM - 5:00 PM EST.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony Stashick/

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Supervisory Patent Examiner, Art  
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